

## Message Text

CONFIDENTIAL

PAGE 01 USUN N 00570 251743Z

64

ACTION L-02

INFO OCT-01 ARA-06 EUR-12 IO-10 ISO-00 AF-06 EA-06 NEA-09

ACDA-05 CIAE-00 DODE-00 PM-03 INR-07 NSAE-00 NASA-01

NSC-05 OES-03 OIC-02 /078 W  
----- 038402

R 251624Z FEB 75

FM USMISSION USUN NY

TO SECSTATE WASHDC 9244

INFO AMEMBASSY MOSCOW

AMEMBASSY BRAZILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY PARIS

C O N F I D E N T I A L USUN 0570

DEPARTMENT PASS NASA

E.O. 11652: GDS

TAGS: TSPA, UN

SUBJECT: OUTER SPACE LEGAL SUBCOMMITTEE -REMOTE SENSING  
WRAP-UP

1. THE LEGAL SUBCOMMITTEE WORKING GROUP ON REMOTE SENSING UNDER THE CHAIRMANSHIP OF MR ABDUL-GHANI (EGYPT) CONCLUDED ITS WORK ON THIS ITEM FEBRUARY 24. AS DESIRED BY US NEITHER THIS WORKINGGROUP NOR THE LEGAL SUBCOMMITTEE AS A WHOLE UNDERTOOK ANY DRAFTING OF PRINCIPLES, GUIDELINES OR TREATY LANGUAGE ON REMOTE SENSING. USSR, BRAZIL, AND ARGENTINA HAD UNDERTAKEN STRONG EFFORT TO BEGIN DRAFTING ON THIS SUBJECT. THE LEGAL SUBCOMMITTEE REPORT TO THE FULL OUTER SPACE COMMITTEE IS NOW UNDER NEGOTIATION BUT AT MOST WILL INDICATE THE TOPICS DISCUSSED RELATING TO THE LEGAL IMPLICATIONS OF REMOTE SENSING AND MAY RELECT THE VARIOUS VIEWS EXPRESSED BY DELEGATIONS ON EACH TOPIC.

2. BECAUSE OF THE INTENSE PRESSURE GENERATED BY SOME  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 00570 251743Z

DELEGATIONS TO BEGIN DRAFTING DURING THIS SESSION, WE

ANTICIPATE THAT THE LATIN AMERICAN MEMBERS OF THE COMMITTEE IN PARTICULAR WILL ATTEMPT TO PERSUADE THE GENERAL ASSEMBLY THIS FALL TO REQUEST THE LEGAL SUBCOMMITTEE TO BEGIN DRAFTING AN INTERNATIONAL INSTRUMENT ON REMOTE SENSING FROM OUTER SPACE IN 1976. WE DO NOT, HOWEVER, ANTICIPATE THAT ANY SERIOUS EFFORTS WILL BE MADE TO PERSUADE THE GA TO ADOPT A PARTICULAR SET OF PRINCIPLES THIS YEAR WITHOUT WAITING FOR THE LEGAL SUBCOMMITTEE TO FINISH ITS WORK. THE SUBMISSION OF THE US WORKING PAPER CONTAINING DRAFT GUIDELINES FOR REMOTE SENSING WAS A KEY ELEMENT IN DISSUADING ANY DELEGATIONS INCLINED TO DO SO FROM GOING DIRECTLY TO THE GA. SUBMISSION OF THE US WORKING PAPER ALSO PROVED TO BE EXTREMELY HELPFUL IN DISSUADING THE COMMITTEE FROM BEGINNING TO DRAFT SPECIFIC LANGUAGE BASED ON THE BRAZILIAN/ARGENTINE DRAFT TREATY.

3. AS AN AID TO FOCUSSED THE DISCUSSION OF LEGAL IMPLICATIONS, THE SECRETARIAT PREPARED A TENTATIVE LIST OF 15 TOPICS, 8 OF WHICH WERE ADDRESSED AT LEAST BRIEFLY BY THE WORKING GROUP. IN ADDITION THE SECRETARIAT PREPARED AN UNOFFICIAL WORKING PAPER WHICH ATTEMPTED TO GROUP UNDER EACH TOPIC THE APPROPRIATE PROPOSALS FROM EACH OF THE 3 WRITTEN DRAFTS WHICH HAD BEEN SUBMITTED TO THE SUBCOMMITTEE BY USSR-FRANCE, BRAZIL/ARGENTINA, AND USA.

4. ALL LATIN AMERICAN MEMBERS OF THE LEGAL SUBCOMMITTEE, ARGENTINA, BRAZIL, CHILE, MEXICO AND VENEZUELA NOW COSPONSOR THE BRAZILIAN DRAFT. MANY PROVISIONS OF THIS DRAFT HAVE INITIALLY FOUND CONSIDERABLE FAVOR AMONG COUNTRIES WHO ARE FEELING INSECURE ABOUT THEIR ABILITY TO MAINTAIN CONTROL OVER THEIR NATURAL RESOURCES. THE USSR/FRENCH TEXT WAS OCASIONALLY REFERRED TO DURING THE DEBATE BUT THOSE STATES WHICH SEEM TO FAVOR RESTRICTIONS ON DISSEMINATION OF REMOTE SENSING DATA GENERALLY REFERRED IN THEIR STATEMENTS TO THE BRAZILIAN/ARGENTINE TEXT.

5. THE US WORKING PAPER TABLED ON FEBRUARY 19 PROVED TO CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 00570 251743Z

BE EXTREMELY HELPFUL IN FOCUSSED THE ATTENTION OF THE COMMITTEE ON THE DIFFICULT ISSUES RELATING TO THE LEGAL IMPLICATIONS OF REMOTE SENSING AND FURNISHED A SPECIFIC AND DETAILED BASIS FOR COMPELLING OTHER DELEGATIONS TO DEAL WITH THE PRACTICAL CONSEQUENCES OF A RESTRICTIVE DISSEMINATION POLICY. THE US STATEMENT INTRODUCING THAT WORKING PAPER SPECIFICALLY NOTED THAT WE INTENDED TO CONTINUE TO CONDUCT REMOTE SENSING ACTIVITIES AND

THAT WE BELIEVED THAT OTHER STATES WOULD SIMPLY BE DISADVANTAGING THEMSELVES BY ADOPTING RESTRICTIVE DATA ACCESS OR DISSEMINATION POLICIES WHICH WOULD INHIBIT THEIR PARTICIPATION IN AND REDUCE THEIR POTENTIAL BENEFITS FROM ANY FUTURE US REMOTE SENSING SYSTEM.

6. TOPICS DISCUSSED INCLUDE (A) PURPOSES AND OBJECTIVES, (B) APPLICABILITY OF INTERNATIONAL LAW, (C) SOVEREIGN RIGHTS OF STATES, (D) FREEDOM TO CONDUCT REMOTE SENSING ACTIVITIES, (E) CONSENT OF A STATE TO BE SENSED, (F) INTERNATIONAL COOPERATION AND PARTICIPATION, (G) NATURE OF DATA DERIVED FROM REMOTE SENSING ACTIVITIES, (H) ACCESS TO INFORMATION OR DATA, (I) DISSEMINATION AND TRANSFER OF INFORMATION OR DATA. THESE TOPICS ARE OBVIOUSLY AMBIGUOUS, OVERLAPPING, AND IN SOME CASES MISLEADING, AND HENCE USDEL AND OTHERS POINTED OUT THAT THEY WOULD REQUIRE REVISION BEFORE FUTURE DISCUSSIONS. HOWEVER, THEY DID PROVE HELPFUL IN SOMEWHAT NARROWING FOR DIRECTING THE DEBATES.

7. A SUMMARY OF THE VIEWS EXPRESSED UNDER EACH OF THESE TOPICS IS BEING POUCHED TO L/UNA (STOWE).  
SCALI

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** REMOTE SENSING, SPACE LAW, COMMITTEE MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 FEB 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975USUNN00570  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750066-0907  
**From:** USUN NEW YORK  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750213/aaaaalkl.tel  
**Line Count:** 138  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 21 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <21 MAY 2003 by ifshinsr>; APPROVED <22 MAY 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** OUTER SPACE LEGAL SUBCOMMITTEE -REMOTE SENSING WRAP-UP  
**TAGS:** TSPA, UN  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006